

### III. Remarks/Arguments

Reconsideration of this application in light of the above amendments and the following remarks is requested. Claims 1-26 are pending in this application. Claims 1, 2, 7, 10, 18, 19 and 25 have been amended and claims 3-6, 8, 9, 11-17, 20-24 and 26 have been maintained in their previous form.

#### *A. Claim Rejections – 35 USC § 112*

The Examiner rejected claims 2, 3 and 7 under 35 USC § 112, second paragraph, as being indefinite. Claims 2 and 7 have been amended to address these rejections and are now definite. As claim 3 depends from claim 2, it is now definite as well.

#### *B. Discussion of Amended Independent Claims*

##### Claim 1

The Examiner rejected independent claim 1 under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,523,981 to Wu (hereinafter “Wu ‘981”). The rejection is moot, as the claim has been amended.

However, there is no motivation to alter the arrangement of Wu ‘981 to arrive at the claimed subject matter of amended claim 1. Specifically, replacing the fastening section 33 of Wu ‘981 with the second cross-member as claimed in claim 1 is not a permissible design choice as suggested by the Examiner because the intended function of Wu ‘981 would be destroyed. Wu ‘981 is explicit in teaching that the lower end of the shaft has a loop forming fastening section 33 to completely encircle an upper ring 21 and to be inserted into a slot 221 in a lower ring 22. If the fastening section 33 were instead a cross-member, it would not fit in the slot 221 nor would it encircle the upper ring 21 as disclosed in the specification of Wu ‘981. Nowhere in Wu ‘981 is there any teaching or suggestion of any structure or method of attaching the frame members to the upper and lower rings except for the looped fastening section 33 completely encircling the upper ring. Thus, it is untenable to find any motivation or suggestion in Wu ‘981 to alter the arrangement of Wu ‘981 to include a cross-member, as claimed in amended claim 1, in place of the fastening section 33. It is therefore submitted that amended claim 1 distinguishes over Wu ‘981 in a patentable sense.

##### Claims 10 and 25

The Examiner additionally rejected independent claims 10 and 25 under 35 USC § 103(a) as being unpatentable over Wu ‘981. These rejections are also moot, as these claims have been amended.

However, there is no suggestion to modify or alter the lampshade of Wu ‘981 to reach the claimed subject matter of amended claims 10 and 25. Claim 10 was amended to further define the groove between the inner and outer rings as being annular in shape. The slots 221 of Wu ‘981, which the

Examiner equated to Applicant's groove in the claim language of claim 10, is clearly not annular, nor could it be modified to be annular and still cooperate properly with the fastening section 33 which it receives. Wu '981 describes the slots 221 as "a series of sequentially arrayed locating slots 221 ... disposed to provide for the attachment of the upper and lower rings 21 and 22." *Wu '981, Col. 2, lines 40-42*. There is simply no motivation or suggestion to modify the series of slots 221 into the annular groove taught and claimed by Applicant. In addition, claim 10 includes the second cross-member element, which as argued above with reference to claim 1, further distinguishes the claim language of amended claim 10 from Wu '981.

Moreover, each of claims 10 and 25 were amended to further define the interference fit between the support, the upper ring and the ring assembly. Wu '981 clearly does not contemplate an interference fit. In particular, Wu '981 provides for the connection, or assemblage, of the frame member 31 to the upper ring 21 by completely encircling it, which clearly is not an interference fit as defined in amended claims 10 and 25. The interference fit as claimed by Applicant is advantageous over the arrangement of Wu '981 as there are no attachments or connections to be made in assembling Applicant's lampshade.

It is therefore submitted that amended claims 10 and 25 distinguish over Wu '981 in a patentable sense.

#### Claims 18 and 19

The Examiner rejected independent claims 18 and 19 under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,540,383 to Wu (hereinafter "Wu '383"). These rejections are also moot, as these claims have been amended.

Claim 18 was amended to further define the engagement of the support with the annular groove of the ring assembly. Wu '383 clearly does not teach or suggest such an arrangement. Rather, Wu '383 teaches only one ring 2 in the lower section of the lampshade and thus it would be untenable to stretch this ring to encompass a two-ring scenario with an annular groove defined therebetween as claimed in amended claim 18.

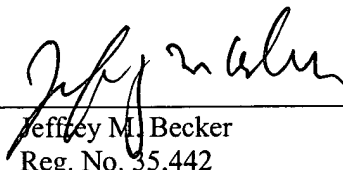
Moreover, claims 18 and 19 were each amended to further define the interference fit between the support, the upper ring, and the ring assembly as being achieved by the tension provided by the shade cover. Wu '383 clearly does not teach or suggest such an arrangement. According to Figs. 1 and 2 of Wu '383, the frame member 3 includes insert posts 33 for fitting into sleeve mounts 21 extending from the bottom ring 2 (Fig. 1) or the frame member 3 abuts projections extending from the bottom ring 2 (Fig. 2). Moreover, the upper portion of the frame member 3 engages an insertion hook 111 defined in a support rod 11. Thus, the frame member 3 does not even engage the upper ring in Wu '383, and as such, could much less be suggestive of engaging the upper ring in an interference fit defined by the tension provided

by the shade cover. It is therefore submitted that claims 18 and 19 distinguish over Wu '383 in a patentable sense.

As claims 2-9, 11-17, 20-24 and 26 depend from and further limit independent claims 1, 10, 19 and 25, these claims are now in condition for allowance as well. Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

By: \_\_\_\_\_

  
Jeffrey M. Becker  
Reg. No. 35,442

Date: \_\_\_\_\_

9/24/03

HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Phone: (214) 651-5066  
Fax: (214) 200-0558  
File: 15849.118

d-1169252.1